

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SHANNON KENDRICKS, #02212653

VS.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 4:20cv349

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding that the petition for writ of habeas corpus should be denied and dismissed with prejudice. Petitioner filed objections.

In the objections, Petitioner reurges some of the claims that he raised in his 28 U.S.C. § 2254 petition. Despite his arguments, Petitioner fails to demonstrate that his Sixth Amendment right to trial by an impartial jury was violated when the venire panel was not specifically questioned on the presumption of innocence. Petitioner also fails to demonstrate that trial counsel rendered ineffective assistance under *See Strickland v. Washington*, 466 U.S. 668 (1984). Furthermore, Petitioner appears to raise for the first time in his objections several additional claims of ineffective assistance of counsel. However, issues raised for the first time in objections are not properly before the court and need not be addressed. *See Finley v. Johnson*, 243 F.3d 215, 218 n.3 (5th Cir. 2001) (citing *United States v. Armstrong*, 951 F.2d 626, 630 (5th Cir. 1992)); *Cupit v. Whitely*, 28 F.3d 532, 535 n.5 (5th Cir. 1994). Petitioner fails to show the Report and Recommendation is in error or that he is entitled to habeas relief.


The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court concludes

that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**.

It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 24th day of April, 2023.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE